

**TESTIMONY OF HARRIS COUNTY ATTORNEY, VINCE RYAN
HARRIS COUNTY, TEXAS**

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON ENERGY
AND COMMERCE'S SUBCOMMITTEE ON ENVIRONMENT AND ECONOMY
FEBRUARY 15, 2011**

My name is Vince Ryan. I am the elected [County Attorney for Harris County, Texas](#), the third most populous county in the U.S. and home to the nation's largest petrochemical complex and Port of Houston Authority that is ranked first in the U.S. in foreign waterborne tonnage. With a strong industrial base, Harris County has fared better than some other regions of the U.S. in these economic hard times and with property taxes declining, our local government also faces a significant budgetary shortfall. Yet, we understand that providing healthy communities in which our residents can work and strive towards a better quality of life with cleaner air and water quality remain a high priority. I would like to provide you today with a case study where we are working toward this goal in a collaborative and effective partnership with the U.S. Environmental Protection Agency (EPA) and the responsible parties in the much-needed cleanup of the San Jacinto River Dioxin Waste Pits Superfund Site.

Facts. In March, 2007, Congressmen Gene Green (D-Texas) and Ted Poe (R-Texas) asked the EPA to designate the waste pits a Superfund site, and in July of that year, the State of Texas added its name to the request. On March 19, 2008, the [San Jacinto River Waste Pits Superfund Site](#) (Site) was listed on the National Priorities List. The Site, with waste ponds and surface impoundments built in the 1960s for the disposal of pulp and paper mill waste, is located in a marsh partially submerged on the western bank of the San Jacinto River in Harris County, Texas, immediately north of the Interstate Highway 10 (I-10) bridge over the San Jacinto River. The Site is located in a highly urbanized area with large number of residents who recreate in an area with abundant waterways that connect to the ecologically diverse Galveston Bay. High dioxin concentrations have been documented at the Site; sediment, water, and fish and crab tissue samples collected in the surrounding areas have also been found to have unsafe levels of dioxins. There are also a number of [fish advisories](#) in place in these waterways by the State of Texas to limit consumption of dioxin and PCB-contaminated fish which include all species of catfish and spotted seatrout, and blue crab. Why do we care about exposures from dioxin? Dioxins are

extremely toxic. Exposures to dioxins can cause a number of severely adverse health effects in humans, including cancer, reproductive disorders and birth defects, skin lesions, and irreparable damage to the immune and hormonal systems.

A Two-Step Clean-Up Process. The EPA has identified two responsible parties: International Paper Company and McGinnes Industrial Maintenance Corporation, and the project is industry-funded. Under Superfund requirements, the EPA is requiring the two responsible companies to conduct a long-term remedial investigation and feasibility study of the Site to understand the nature and extent of the contamination. With cooperation and funding by these companies, work is underway but given the nature of the project, actual steps to determine remediation solutions are a long way in the future. Therefore, to contain the ongoing discharge of dioxin into the waterways, EPA is also requiring the companies to take short-term action (Time Removal Critical Action – TCRA). The short-term containment action which based on the alternatives that the companies provided and as approved by the EPA includes placing a temporary physical protective barrier over the waste site that can last for 7-10 years.

Harris County and Coordination with EPA. Now, where does Harris County fit in? Harris County has been actively involved in environmental protection since 1953 with the creation of Harris County Stream and Air Pollution Authority. Today, Harris County continues in pursuing a robust permitting and enforcement program. Based on this expertise, Harris County Attorney's Office identified the San Jacinto River Waste Pits Superfund Site as a site that needed immediate attention because the continuing discharge of dioxin into wide-reaching waterways has enormous adverse impacts on the environmental and public health. Harris County met with the responsible parties as well as EPA and urged a greater partnership role than is envisioned in these superfund cases for local entities. Traditionally, Superfund cleanups include coordinating with Natural Resource Trustees only (for example, certain named state and federal agencies); and the opportunity for public participation is limited to official public comment periods or public meetings.

With its unique legal, technical, local expertise and knowledge, Harris County requested a seat at the table from the beginning. EPA Region 6 listened and has entered into a memorandum of understanding with Harris County to collaborate on the cleanup of the Site. The coordination and collaboration, including participating in technical meetings, and reviewing and comments on

technical work documents, has led to a harmonious partnership in furtherance of a more effective Superfund process, including a plan to curb dioxin in the short-term. This level of transparency and coordination with a local government is to be applauded.

In another first-of-its-kind, Harris County in coordination with EPA has created a Community Awareness Committee with responsible parties, local stakeholders, and pertinent state agencies that meets on a monthly basis (until recently, every two weeks for almost a year) to collaborate with local partners and to develop initiatives to raise community awareness about the Site and dangers of dioxin pollution in the waterways. Working with the responsible companies and EPA, this committee has been instrumental in developing, for example, pictorial signs for the public that are simple and effective; and a fencing plan that takes into account local knowledge of those using the area around the Site for recreational purposes. The responsible companies have also volunteered and gone beyond what is required by funding research to identify the affected populations, and based on that research, are developing a community relations plan that ensures that the affected populations receive and understand information concerning the Site and the associated hazards.

“World Café” and Community Engagement. Last year, EPA also rolled out its Community Engagement Initiatives (CEI) which have dove-tailed with Harris County's desire for more public input and participation. The CEI is for communities to more effectively participate and influence government decisions related to land cleanup, emergency preparedness and response, and the management of hazardous substances and waste. As part of this CEI, the EPA with state and local partners, organized a "World Cafe" meeting on July 22, 2010 that focused listening actively to the community about the Site. Serving as national model, the meeting was arranged with small round tables and each hosted by a facilitator. After some quick presentations on the Site, each table facilitator sought input from the members of the public on basic issues such as "Where else do you think we should place fish warning signs" to "Are there other tools EPA could use to enhance communication with stakeholders in the San Jacinto community?" This meeting was very successful in fostering open and meaningful discussion of key issues from the community and drove future community awareness initiatives.

Conclusion. Working with EPA, I am impressed by the dedication and hard work of the staff and their ability to focus on the mission for regulatory compliance while remaining transparent,

flexible, and able to change course where appropriate. I urge Congress in supporting the EPA Superfund Program as it undertakes such important and much-needed cleanup of the nation's most polluted sites while through its regulatory mechanisms, works toward protecting the lives of Americans against future contamination. If all goes well, by the end of this year, we will be able to say that together we contained the deadly dioxin that had been flowing into our rivers and our bay for decades. This will be a successful story that deserves adulation and imitation.